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23 ATLANTIC-PACIFIC PROCESSING
24 SYSTEMS NV CORP.

25 **UNITED STATES DISTRICT COURT**
26
DISTRICT OF NEVADA

27 ATLANTIC-PACIFIC PROCESSING
28 SYSTEMS NV CORP, a Nevada corporation,

Plaintiff,

vs.

29 DANIEL PLAUT, an individual; ALLAN
30 INTRATOR, a.k.a. ALAN INTRATOR a.k.a.
31 ALLEN INTRATOR, an individual;
32 INTELLIGENT MARKETS, INC., a
33 Delaware corporation; TH QUALITY, LLC, a
34 Puerto Rico limited liability company;
35 TIMOTHY A. HARTMANN a.k.a.
36 TIMOTHY A. HARTMAN, an individual;
37 BARON INTERNET MARKETERS, LLC; a
38 Nevada limited liability company; YISROEL
39 BARON, an individual; JAYBRI
40 ENTERPRISES LLC, a Nevada limited
41 liability company; JASON BRILEY, an
42 individual; MALLORIA MARKETING, LLC,
43 a Nevada limited liability company;
44 MALLORI LARI, an individual; FDR

Case No. 2:21-cv-02060-JCM-NJK

Assigned to: Judge James C. Mahan &
Magistrate Judge Nancy J. Koppe

**STIPULATION AND
[PROPOSED] ORDER
REGARDING SERVICE ON
DEFENDANTS TH QUALITY
AND TIMOTHY HARTMAN;
AND FOR EXTENSION OF TIME
FOR DEFENDANTS TO
RESPOND TO COMPLAINT**

1 ONLINE MANAGEMENT, LLC, a Florida
2 limited liability company; FRANKLIN
3 ROYE, an individual; DAN CONSULTING,
4 LLC, a Delaware limited liability company;
5 DANIAL LEVENT, an individual; NGOC
6 QUALITY WEB LLC, a Delaware limited
7 liability company; NGOC PETERKIN, an
8 individual; KSM CREATIVE ECOMM LLC,
9 a Florida limited liability company; KEVIN
10 MARQUINA, an individual; GN
11 CONSULTING SERVICES LLC, a North
12 Carolina limited liability company; GIANG
13 TRUONG NGUYEN, an individual; PAY
14 WEB CONSULTING SERVICES LLC, a
15 Florida limited liability company; PAYAM
16 HENDI, an individual; HANS MARKETING
17 LLC, a North Carolina limited liability
18 company; DENIS CHIHAN SU, an individual;
19 MH CREATIVE WEB LLC, a Delaware
20 limited liability company; MICHELLE HALL,
an individual; BNT CONSULTING LLC, a
Delaware limited liability company;
BICHVAN NGOC THACH, an individual;
IOS CONSULTING SERVICES LLC, a
Florida limited liability company; IOANNIS
SANCHEZ, an individual; CM ONLINE
STRATEGIES LLC, a Florida limited liability
company; CARMEN MORENO, an
individual; CMONT WEB SERVICES LLC, a
Delaware limited liability company;
CHRISTOPHER MONTIGELLI, an
individual; THE HILLIARD GROUP
MARKETING LLC, an unknown business
entity; MICAH HILLER, an individual; and
DOES 1-0, inclusive,

19 Defendants.

21 Defendants TH QUALITY, LLC (“THQ”) and TIMOTHY HARTMAN (“Hartman;”
22 hereinafter collectively “Defendants”), by and through their counsel of record, Phillip A.
23 Silvestri, Esq. of Greenspoon Marder, and Plaintiff ATLANTIC-PACIFIC PROCESSING
24 SYSTEMS NV CORP. (“APPS” or “Plaintiff”), by and through its counsel of record, Dirk O.
25 Julander, Esq. of Julander, Brown & Bolland and Todd W. Prall, Esq. of Hutchison & Steffen,
26 PLLC (all parties collectively the “Parties”), hereby stipulate and agree as follows based on the
27 following facts:
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1 **WHEREAS**, APPS filed its Complaint in this action on November 17, 2021 (Dkt. 1);

2 **WHEREAS**, on February 14, 2022, the Court granted APPS an extension of time to
3 April 11, 2022 to serve seven (7) unserved defendants, including THQ and Hartman (Dkt. 61);

4 **WHEREAS**, on April 6, 2022, APPS sought a second extension of time to serve only
5 THQ and Hartman (Dkt. 108);

6 **WHEREAS**, on April 7, 2022, the Court granted APPS's application for additional
7 time, extending the service deadline for THQ and Hartman to June 10, 2022 (Dkt. 109);

8 **WHEREAS**, APPS contends that on April 20, 2022, APPS served THQ through its
9 registered agent for service, Guy Gentile Nigro, pursuant to 14 L.P.R. §3781 (service by leaving
10 it at the dwelling house or usual place of abode in the Commonwealth of any officer, director or
11 registered agent of the company) (Dkt. 117). THQ contends service was improper;

12 **WHEREAS**, on May 4, 2022, APPS filed a Motion for Order Directing Alternate
13 Service on Hartman (Dkt. 115) which remains pending;

14 **WHEREAS**, having not received a responsive pleading, on May 31, 2022, APPS filed
15 an Application for Entry of Clerk's Default of THQ (Dkt. 118);

16 **WHEREAS**, THQ and Hartman have recently retained counsel in this action, Phillip A.
17 Silvestri, Esq. of Greenspoon Marder;

18 **WHERAS**, on June 1, THQ filed a motion to extend the deadline for THQ to respond to
19 the Complaint (Dkt. 119);

20 **WHEREAS**, on June 2, 2022, APPS filed an Ex Parte Motion to Extend Time to Serve
21 Hartman based on the pending Motion for Order Directing Alternate Service (Dkt. 123); and

22 **WHEREAS**, the Parties desire to resolve all issues related to service on THQ and
23 Hartman and to grant Defendants time to respond to the Complaint;

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1 **BASED ON THE FOREGOING RECITALS, THE PARTIES HEREBY AGREE**
2 **AND STIPULATE AS FOLLOWS:**

- 3 1. That Hartman, through his counsel, waives service of the Summons and
4 Complaint;
5 2. That THQ waives service of the Summons and Complaint;
6 3. That APPS agrees to withdraw the Application for Entry of Clerk's Default of
7 THQ (Dkt. 118);
8 4. ~~If the Application for Entry of Clerk's Default of THQ (Dkt. 118) is granted and
9 a default is entered before this Order issues, APPS agrees to set aside the default
10 of THQ;~~
11 5. That APPS agrees to withdraw the pending Motion for Order Directing Alternate
12 Service on Hartman (Dkt. 115) and, ~~if necessary~~, the Ex Parte Motion to Extend
13 Time to Serve Hartman (Dkt. 123); and
14 6. That Defendants shall have 30 days from the Court's issuance of this Order to
15 file their responsive pleadings. The motion to extend (Dkt. 119) is denied as moot.
16 7. APPS motion to seal (Dkt. 116) is
17 also denied as moot.

IT IS SO STIPULATED.

IT IS SO ORDERED.

Dated: June 7, 2022


United States Magistrate Judge

19 DATED this 7th day of June, 2022

20 **HUTCHISON & STEFFEN, LLC**

21 /s/ Todd W. Prall

22 Patricia Lee (8287)

23 Todd W. Prall (9154)

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28 Attorneys for Defendants TH Quality, LLC and
Timothy Hartman

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2 /s/ Dirk O. Julander

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